

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 07/29/2002
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 05/29/2002.

TITLE: Southwest Region Permit Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0204

EXPIRATION DATE: 09/30/2003

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	433	245	0
New	427	248	0
Difference	-6	3	0
Program Change		3	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
REVISION TO SOUTHWEST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0204**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, the Western Pacific Fishery Management Council (Council) prepared a regulatory amendment to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP). The amendment would establish permit and reporting requirements¹ for U.S. fishing vessels using troll or handline gear to fish for pelagic management unit species (PMUS) in waters of the U.S. exclusive economic zone (EEZ) around the U.S. Pacific remote island areas (PRIA). The PRIA are the distant and mostly uninhabited islands in the central Pacific Ocean consisting of Howland Island, Baker Island, Jarvis Island, Wake Island, Kingman Reef, Johnston Atoll, Palmyra Atoll, and Midway Atoll.

At present, other than for vessels that are registered for use with Hawaii longline limited access permits or Western Pacific longline general permits (50 CFR 660.21), there is currently no federal permit requirement for domestic vessels targeting PMUS in the EEZ waters of the PRIA. In recent years, several troll-handline vessels from Hawaii journeyed to Palmyra Island and Kingman Reef to fish for pelagic and bottomfish stocks. The potential expansion of fishing activity beyond the Hawaiian archipelago to the PRIA prompted the Council to address the gap in permit and reporting requirements to ensure a comprehensive approach to managing PMUS and pelagic fisheries under the FMP.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

Permit information on the PRIA pelagic troll/handline fishery will be collected via the single application form (attached) currently used for general fishery and limited access permits in the western Pacific region. Importantly, the information will be used by NMFS Southwest Region to determine whether the applicant is an owner of a U.S. documented/registered vessel and eligible for participation in the fishery. The information may also be used by NMFS enforcement and other offices of NMFS, U.S. Coast Guard (USCG), and state and territorial fishery-management, research, and enforcement agencies. As requested, summaries of permit application information are provided to the Council, member states, and interested parties to describe the characteristics of the fishery and estimate the nature and magnitude of the impacts of fishery regulations on different permit holders. Information on the vessel (as provided in documentation or registration certificates) is used to ascertain actual or potential participants in

¹ Request for OMB clearance to revise a currently approved information collection (OMB #0648-214) to include logbook reporting requirement for the PRIA troll/handline fishery is being submitted as a separate action.

the fishery and the amount of harvesting pressure they might exert on the fishery. This is important in determining the potential effectiveness and impacts of different management approaches and in assessing the capacity of the fishing vessels in the fishery.

Federal regulations (at 50 CFR 660.13(c)) allow the collection of basic data on applicants such as name of owner and vessel operator, name of vessel and its official number, address, and telephone number. Required copies of the vessel's USCG documentation or state/territory registration certificates identify the legal ownership of the vessel being permitted. This latter requirement is essential for imposing permit sanctions, which are an effective fisheries enforcement tool. Since vessels may be owned by partnerships or corporations, identification of ownership on the application form allows NMFS to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. By having addresses, NMFS can mail fishery information to vessel owners and operators; also permit renewal forms are sent to permit holders quickly and easily. Telephone numbers (business, home, facsimile) are used to assist NMFS in processing the application by allowing questions to be resolved more quickly than by correspondence.

The collection of the social security number on applicants and vessel operators seeking participation in the PRIA pelagic troll/handline fishery, as in the other fisheries, is voluntary. The Social Security Number is often the only reliable and constant informational unit that is available to NMFS enforcement agents for verifying the identity of the applicant(s) and for accurately retrieving confidential records related to the federal fisheries permits.

The vessel owner's or his or her agent's signature is required as a legally binding action which ensures eligibility to receive a permit under specific FMP regulations. False statements without the signature of the applicant would be much harder to prosecute.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

None of the permit application forms for the western Pacific fisheries are currently submitted in electronic form although facsimile machines are used to a considerable extent. Applicants for longline, lobster, bottomfish, and precious coral federal fisheries permits are able to obtain and print the general Federal Fisheries Application Form via the Southwest Region's website at <http://swr.ucsd.edu> (see Pacific Islands Area Office). The form will also be used for those applying for a PRIA pelagic troll and handline fishery permit.

4. Describe efforts to identify duplication.

A federal program that provides some similar information is the vessel documentation program of the U.S. Coast Guard. The permit process calls for submission of a copy of the current certificate of documentation for vessels to provide information about the vessels and their ownership. NMFS consulted with the State of Hawaii and U.S. Pacific island government agencies in the original development of the general federal permit form to determine that there

was a minimum of duplication in respective information collections. Those agencies offered advice which was considered in developing the final specifications for the form itself as well as the information elements being recorded. However, in no instance was it possible to use state/territorial permit data to replace the federal permit form.

As indicated above, the NMFS consulted with non-Federal island agencies to ensure that there be a minimum of duplication in our respective permit information collection requirements. NMFS also considered Coast Guard reporting requirements in designing the current form and setting information requirements on the form.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

All of the vessels in the western Pacific fisheries, including pelagic troll and handline vessels, are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. Only the minimum data to meet the permit objectives of this revised information collection are sought in the permit application.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If permit data are not available or are collected less frequently, NMFS will have difficulty monitoring the pelagic troll and handline fishery, determining entry and exit patterns, and providing information needed to ensure full impact analysis from the regulatory programs. NMFS Enforcement will not be assured of being able to identify current participants in the fishery for purposes of compliance monitoring and enforcement of the regulations. There will be less frequent contact with fishermen and our ability to contact permit holders to consult with them prior to adopting new regulations and to advise them of regulatory changes will diminish.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with the OMB Guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

NMFS and the Council consulted with fishermen, vessel operators, state/territorial agencies, and enforcement officials in formulating the collection of information in the development of the original, single general federal fisheries permit application form. During the development of the

proposed permit requirement for the PRIA pelagic troll and handline fishery, consultations on permit issuance were held as part of the Council framework regulatory process. A proposed rule (copy attached) is also soliciting public comment on this collection.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Under Section 402b of the Magnuson-Stevens Fishery Conservation and Management Act and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act are confidential. This includes confidential information submitted with a permit application. Personal and propriety information is not released to the public.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

$$5 \text{ respondents} \times 0.50 \text{ hr/response} = 2.5 \text{ hours}$$

The total annual cost to respondents for personnel time is estimated at \$63 per year. This was derived by multiplying the number of hours of burden each year (2.5 hours) times an hourly cost rate of \$25, the estimated total cost for administrative staff support in an office setting.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

There is no “start up” capital cost for complying with this requirement. The estimated cost to respondents to mail (i.e., postage) and make file copies of the application form, permit, and associated documents is \$10 per year.

14. Provide estimates of annualized cost to the Federal government.

The estimated cost of this collection to the Federal government is \$40 per permit action for reviewing the application, determining its sufficiency, awarding the permit, processing the data, sending out permit renewal timing notices, and responding to inquiries. The total Federal cost is estimated at \$200. This includes the costs of staff time in permits administration staff in the Pacific Islands Area Office, Honolulu, Hawaii.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a program change resulting from a new requirement.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No publications based solely on this collection of information are planned at this time. However, the information contained in the permit application will be analyzed by NMFS and the Council to assess the status of the pelagic troll and handline fisheries around the PRIA and the need for management changes to protect fish stocks, protected marine species and their habitats. These analyses will be included in annual stock assessment and fishery evaluation reports which are required under the pelagic fishery management plan and in documentation to support any changes in management to address problems identified through the data collection program. The results may ultimately be published in scientific journals.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The expiration date is displayed.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions are proposed.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

FEDERAL FISHERIES APPLICATION FORM
WESTERN PACIFIC REGION
U.S. DEPARTMENT OF COMMERCE

OMB NUMBER: 0648-0204 For Office Use:
Expires: 09/30/2003 GC _____
Issued _____
Transmit _____

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
SOUTHWEST REGION

Mail or deliver this application to:

Pacific Islands Area Office, NMFS
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
Tel:(808)973-2937 Facsimile:973-2982

(Check ☒ appropriate circle or circles for type of permit application)

1. LONGLINE - Hawaii Limited Entry Permit ☐
Non-Refundable Application Processing Fee (limited entry): \$73.00
General Longline Permit (Western Pacific) ☐
Receiving Vessel Permit ☐
Hawaii Closed Area Exemption ☐ (see reverse side of this page)
2. LOBSTER - Northwestern Hawaiian Islands Limited Entry ☐ (see reverse side of this page)
Main Hawaiian Islands ☐ American Samoa, Guam ☐
3. BOTTOMFISH - Hoomalu Zone: ☐ Maui Zone: ☐ \$65.00 (Submit supplementary info sheet)
4. PRECIOUS CORAL ☐ Permit Area: _____
5. PRIA Pelagic Troll and Handline ☐

VESSEL NAME: _____ VESSEL OFFICIAL NUMBER: _____
VESSEL OWNER: _____
First & Last Name Social Security Number

Privacy Act Statement: Federal Regulations (at 50 CFR Part 660) authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security Number, disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

NAME OF CORPORATION OR PARTNERSHIP THAT OWNS VESSEL: _____

BUSINESS ADDRESS: _____
Street City State Zip Code

HOME ADDRESS: _____
Street City State Zip Code

BUSINESS PHONE NO. _____ HOME PHONE NO. _____ FAX: _____

VESSEL CAPTAIN: _____
First & Last Name Social Security Number

CAPTAIN'S MAILING ADDRESS: If same as owner's business address, check here: ☐

Street City State Zip Code

APPLICANT: _____ DATE: _____
Print Name & Signature of Vessel Owner

PERMIT TRANSFEROR: _____ DATE: _____
Print Name & Signature of Permit Owner Transferring Permit

Permit Number of Transferred Permit: _____

Please submit a copy of the vessel's current U.S. Coast Guard Certificate of Documentation (documented vessel) or registration certificate from state/territorial agency (for undocumented vessel) with this application form.

Federal Fisheries Application Form - Western Pacific Region

SUPPLEMENTAL INFORMATION FOR:

**** MAIN HAWAIIAN ISLANDS LONGLINE FISHING PROHIBITED AREA EXEMPTION****

VESSEL: _____

Basis for Exemption Eligibility (all boxes must be checked to be eligible):

- ☐ Applicant currently holds a Hawaii longline limited entry permit
- ☐ Applicant was the owner or operator of a vessel that made landings of pelagic management unit species taken on longline gear prior to 1970 from waters now closed to longline fishing.
- ☐ Applicant was the owner or operator of a vessel that made landings of pelagic management unit species taken on longline gear in at least five (5) years since (and including) 1970 from waters now closed to longline fishing.
- ☐ Applicant was the owner or operator of a vessel that made at least 80 percent of its landings of longline-caught pelagic management unit species in any calendar year in waters now closed to longline fishing.

Document(s) demonstrating exemption eligibility is attached (check as many boxes as may apply):

☐ State of Hawaii Catch Reports ☐ Vessel fishing logs ☐ Auction receipts ☐ Signed affidavits

☐ Other (specify): _____

SIGNATURE OF APPLICANT: _____

******* NORTHWESTERN HAWAIIAN ISLANDS LOBSTER LIMITED ENTRY PERMIT *******

If the application is being submitted on behalf of a partnership or corporation, indicate the names of all the owners and their respective percentage of ownership in the partnership or corporation:

VESSEL: _____

Name of Shareholder:

Percent (%)
of Ownership

Business Address:

SIGNATURE OF APPLICANT: _____

PAPERWORK REDUCTION ACT INFORMATION

Public reporting burden for this collection is estimated as follows: 30 minutes for Hawaii longline limited access permit renewal/transfer, longline general permit initial issuance/renewal, and receiving vessel permit initial issuance/renewal; 120 minutes for main Hawaiian Islands longline fishing prohibited area exemption; 30 minutes for Northwestern Hawaiian Islands crustaceans limited access permit transfer, main Hawaiian Islands and American Samoa/Guam crustacean permits; 30 minutes for precious coral permit initial/re-issuance (established, conditional, refugia, exploratory areas); **30 minutes for PRIA pelagic troll and handline permit**; and 2 hours for all permit denial appeals. Each burden includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the is burden estimate any other aspects of this collection of information, including suggestions for reducing this burden, to Pacific Islands Area Office Administrator, Southwest Region, NMFS, 1601 Kapiolani Blvd., Honolulu, Hawaii 96814.

This information is being collected to ensure accurate and timely records about the persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable NMFS and the Western Pacific Fishery Management Council to (a) determine who would be affected by changes in management; (b) inform license holders of changes in fishery regulations; and (c) determine whether the objectives of the fishery program are being achieved by monitoring entry and exit patterns and other aspects of the fisheries. The information is used in analyzing and evaluating the potential impacts of regulatory changes on persons in the regulated fisheries as well as in related fisheries. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 660.13). Data provided concerning the vessel and/or business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402(b)). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 020412086–2086–01; I.D. 010202C]

RIN 0648–AJ08

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Pacific Remote Island Areas; Permit and Reporting Requirements for the Pelagic Troll and Handline Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS issues a proposed rule that would establish Federal permit and reporting requirements for any U.S. fishing vessel that uses troll or handline fishing gear to harvest pelagic management unit species in waters of the U.S. exclusive economic zone (U.S. EEZ) around Howland Island, Baker Island, Jarvis Island, Johnston Atoll, Kingman Reef, Palmyra Atoll, Wake Island and Midway Atoll. These islands are referred to as the Pacific remote island areas (PRIA). The purpose of this proposed rule is to monitor participation in the fishery and to obtain fish catch and fishing effort data (including bycatch data), including interactions with protected species, so that fishery management decisions are based on complete information.

DATES: Comments on this proposed rule will be accepted through June 20, 2002.

ADDRESSES: Send comments to Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814. Copies of background material pertaining to this action may be obtained from Kitty Simonds, Executive Director, Western Pacific Fishery Management Council (Council), 1164 Bishop St. Suite 1400, Honolulu, HI 96813. Comments will not be accepted if submitted via e-mail or the internet. Send comments on the reporting burden estimate or other aspect of the collection-of-information requirements in this proposed rule to NMFS, PIAO and to the Office of Management and Budget (OMB) at the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attn: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, PIAO, at 808–973–2937.

SUPPLEMENTARY INFORMATION: The collection and analysis of reliable data are needed to assess the status and health of fishery stocks, evaluate the effectiveness of management measures, determine the need for changes in the management regime, prevent overfishing, determine and minimize bycatch, document protected species interactions with fishing gear, and assess the potential impact of fishery interactions. Other than for vessels registered for use with Federal Hawaii longline limited access permits, or Federal Western Pacific longline general permits, there are no specific regulations under the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region applicable to vessels targeting pelagic species in the U.S. EEZ waters around the PRIA. The PRIA or “U.S. island possessions in the Pacific” are the distant and mostly uninhabited U.S. islands in the central and western Pacific Ocean consisting of Howland Island, Baker Island, Jarvis Island, Wake Island, Kingman Reef, Johnston Atoll, Palmyra Atoll, and Midway Atoll. Midway Atoll, located in the Northwestern Hawaiian Islands, is not part of the State of Hawaii and is treated as one of the PRIA.

In recent years, several troll and handline fishing vessels from Hawaii have targeted pelagic fish stocks off Palmyra Atoll and Kingman Reef. This expansion of troll and handline fishing activity beyond the Hawaiian Archipelago to the U.S. EEZ around certain PRIA and the lack of any reporting requirements for these fisheries demonstrates the need to put in place reporting procedures in order to collect catch and bycatch data for these fisheries. The proposed establishment of a permit requirement for the PRIA pelagic troll/handline fishery would serve to identify actual or potential participants in the fishery. This would be an “open access” fishery, meaning any U.S. vessel would be eligible to receive a permit.

The Council has recommended the establishment of a reporting requirement for all vessel operators who participate in the PRIA pelagic troll/handline fishery, except at Midway Atoll. They would be required to use a new NMFS fish catch and effort reporting form created especially for the PRIA. At Midway Atoll, troll/handline vessel operators (i.e., charter boat captains), who operate under the Midway Atoll National Wildlife Refuge program, administered by the U.S. Fish and Wildlife Service (FWS), would continue to report their catch and effort data on existing fish catch reporting forms provided by the FWS. NMFS and

FWS will coordinate their efforts to obtain the necessary data from fishermen at Midway Atoll and avoid duplication of reporting regimes.

Under this proposed rule NMFS would require vessel operators, except operators of vessels operating in the U.S. EEZ around Midway Atoll, to submit their catch reports to NMFS within 10 days after the completion of each fishing trip to the U.S. EEZ around the PRIA. The 10-day requirement is to allow vessels to make fish landings at Palmyra Atoll and to potentially conduct another fishing trip enroute to the vessel's homeport. By landing at Palmyra Atoll there would be no need for these vessels to return to their home ports between trips and, in that case, the prompt transmittal of catch reports to NMFS would be infeasible. For this reason NMFS proposes to allow the operators whose vessels are registered for use with PRIA troll/handline pelagic permits an extended reporting window.

The regulatory text for this proposed rule would correct a typographical error in the prohibition on longline fishing within longline fishing areas at § 660.22(i) to reference § 660.27 instead of a redundant reference to § 660.17. Also, a cross reference in § 660.21(l)(1) is revised to comport with the proposed redesignation of paragraphs in § 660.21.

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

Based on historical records, it is estimated that two to three vessels from Hawaii, and three Midway Atoll-based vessels have fished in the U.S. EEZ around the PRIA in recent years. Future increases in effort are difficult to predict; however, it appears unlikely that significant expansion in this fishery will occur in the future due to long travel distances to reach the PRIA fishing grounds. It is estimated that there are approximately 5,000 fishing vessels that participate in the pelagic troll and handline fisheries in Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; however, it is expected that this rule would impact less than 10 of the vessel operators. Further, due to its purely administrative and record keeping nature, this proposed rule would not affect fishing operations directly and would require only relatively minor tasks related to permit application and reporting requirements. The new reporting requirement would be largely similar to the existing requirements for other

areas, which are familiar to the majority of likely fishery participants. Eligibility criteria and application forms for the permit would be the same as those for other Federal western Pacific fishing permits. No fee is associated with the PRIA pelagic troll and handline permit. Estimated total annual cost to respondents for completing permit applications and required reports is \$600 per year. The proposed permitting and reporting demands are considered to be minimal, and, when combined with the small number of individuals likely to be impacted, provide a basis for certification of this action as one not likely to have a significant economic impact on a substantial number of small entities.

As a result, no regulatory flexibility analysis is required for this proposed rule and none has been prepared.

This proposed rule contains collection-of-information requirements subject to review and approval by OMB under the Paperwork Reduction Act (PRA). These requirements have been submitted to OMB for approval. Public reporting burden for these collections of information is estimated at 30 minutes for a permit application and 5 minutes for a daily troll/handline log sheet. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on the reporting burden estimate or any other aspect of the collection-of-information requirements in this proposed rule to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Fishing Gear, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: April 29, 2002.

Rebecca Lent,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended to read as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.12, the definitions for “Pelagic handline fishing,” “Pelagic troll fishing,” and “Pacific remote island areas (PRIA, or U.S. island possessions in the Pacific Ocean),” are added in alphabetical order to read as follows:

§ 660.12 Definitions.

Pacific remote island areas (PRIA, or U.S. island possessions in the Pacific Ocean) means Palmyra Atoll, Kingman Reef, Jarvis Island, Baker Island, Howland Island, Johnston Atoll, Wake Island, and Midway Atoll.

Pelagic handline fishing means fishing for pelagic management unit species from a stationary or drifting vessel using hook and line gear other than longline gear.

Pelagic troll fishing (trolling) means fishing for pelagic management unit species from a moving vessel using hook and line gear.

3. In § 660.14, paragraph (a) is revised to read as follows:

§ 660.14 Reporting and recordkeeping.

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of §§ 660.21, 660.41, or 660.81 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on report forms provided by the Regional Administrator. All information specified on the forms must be recorded on the forms within 24 hours after the completion of each fishing day. The original logbook form for each day of the fishing trip must be submitted to the Regional Administrator as required by this paragraph (a). Each form must be signed and dated by the fishing vessel operator.

(1) The operator of any vessel subject to the requirements of §§ 660.21(a) through (c), 660.41, or 660.81 must submit the original logbook form for each day of the fishing trip to the Regional Administrator within 72 hours

of each landing of management unit species.

(2) Except for a vessel that is fishing in the U.S. EEZ around Midway Atoll as specified in paragraph (a)(3) of this section, any operator whose vessel is registered for use with a PRIA pelagic troll and handline fishing permit under § 660.21(d) must submit the original logbook form for each day of fishing within the U.S. EEZ around the PRIA to the Regional Administrator within 10 days of each landing of management unit species.

(3) The operator of a vessel fishing in the U.S. EEZ around Midway Atoll and registered for use with a PRIA pelagic troll and handline fishing permit under § 660.21(d), must submit an appropriate reporting form as required and in a manner specified by the U.S. Fish and Wildlife Service for each day of fishing within the U.S. EEZ around Midway Atoll, which is defined as an area of the Pacific Ocean bounded on the east by 177°10' W. long., on the west by 177°30' W. long., on the north by 28°25' N. lat., and on the south by 28°05' N. lat.

4. In § 660.21, paragraphs (d) through (l) are redesignated as (e) through (m), newly redesignated paragraph (l)(1) is revised, and new paragraph (d) is added to read as follows:

§ 660.21 Permits.

(d) A fishing vessel of the United States must be registered for use with a PRIA pelagic troll and handline fishing permit if that vessel is used to fish for Pacific pelagic management unit species using pelagic handline or trolling fishing methods in the U.S. EEZ around the PRIA.

(l)(1) Upon receipt of an appeal authorized by this section, the Regional Administrator may request additional information. Upon receipt of sufficient information, the Regional Administrator will decide the appeal in accordance with the criteria set out in this part and in the fishery management plans prepared by the Council, as appropriate, based upon information relative to the application on file at NMFS and the Council and any additional information available; the summary record kept of any hearing and the hearing officer's recommended decision, if any, as provided in paragraph (l)(3) of this section; and such other considerations as deemed appropriate. The Regional Administrator will notify the appellant of the decision and the reasons therefor, in writing, normally within 30 days of the receipt of sufficient information,

unless additional time is needed for a hearing.

* * * * *

5. In § 660.22, the phrase “U.S. possessions in the Pacific Ocean area” is revised to read “U.S. island possessions in the Pacific Ocean” each place that it appears, paragraph (i) is

revised, and new paragraph (uu) is added to read as follows:

§ 660.22 Prohibitions.

* * * * *

(i) Fish with longline gear within a longline fishing prohibited area, except as allowed pursuant to an exemption issued under § 660.17 or § 660.27.

* * * * *

(uu) Use a U.S. vessel employing pelagic handline or trolling methods to fish in the U.S. EEZ around the PRIA without a valid PRIA pelagic troll and handline fishing permit registered for use with that vessel.

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